



## CITY OF LODI COUNCIL COMMUNICATION

M

**AGENDA TITLE:** Provide Direction with Regard to Potential Revisions and Administrative Interpretations to Mobile Food Vending Ordinance, Lodi Municipal Code Section 9.18, "Vending on Streets, Sidewalks and Private Property"

**MEETING DATE:** July 16, 2008

**PREPARED BY:** Community Development Department

---

**RECOMMENDED ACTION:** Receive report from the Community Development Department as to the interpretation of Lodi Municipal Code Section 9.18, "Vending on Streets, Sidewalks and Private Property," in the review of mobile food vending operations and provide direction.

**BACKGROUND INFORMATION:** In July of 2007, the City Council approved a new set of comprehensive regulations covering the vending of produce and prepared or prepackaged foods, goods, wares, and/or services on public streets, sidewalks or alleys and on private property.

Those regulations, covered under a revised Section 9.18 of the Lodi Municipal Code, more commonly referred to as the "Vending Ordinance", were intended to cover all facets of vending activities from the lunch wagons that operate either from a fixed location or an established route, to push cart and motorized ice cream and food vendors, and to the itinerant merchants who sell a variety of flags, statues, flowers and other wares during weekends and around holidays.

The purpose and intent of the new regulations was to provide those persons who engage in those types of vending operations with clear and concise regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community. Much of what was developed in the course of drafting this ordinance was borrowed from or patterned after existing ordinances from other jurisdictions.

In the course of implementing the new regulations, some questions have arisen regarding the interpretation and application of certain aspects of the ordinance. A brief summary of those issues and Staffs interpretations are as follows:

More Than One Vendor at a Property

There is one specific location, 1340 S. Hutchins, where two food vendors are operating from one parking lot. Staff has been questioned as to why this was allowed. While there is specific language within the regulations that prohibit vendors from operating within 400' of another vendor, that restriction applies only to vendors operating in the street or on sidewalks. Vendors operating from private property are not included in that restriction as there has been some discussion of the vendors creating a vendor plaza or food court, where several vendors could operate from. The property would be developed accordingly with all the required amenities such as parking, seating and shade structures, restrooms and proper utility connections. It was pointed out at one of the meetings that an example of this could be found in Modesto and that it was something that we should encourage. As such, we did not include language within the regulations that pertain to operation on private property that would restrict such a use.

---

APPROVED:

A handwritten signature in black ink, appearing to read "Blair King", written over a horizontal line.

Blair King, City Manager

However, Staff has checked each private property location to make sure that there is sufficient parking on the site for the primary use and that the vending activity does not encroach into the required number of parking spaces for that primary use. In the course of reviewing the Vendor Permit to Operate applications, there were three applicants that were denied due to the fact that there was not sufficient parking on-site for the primary business much less any additional vendor. There was one other applicant that was taking three parking spaces on a site where the primary use could only afford to lose one space. In that instance the vendor was able to relocate their vehicle and only take up one parking space, so they were approved.

Staff recommends that Council review and concur with the current interpretation and practices that allow more than one vendor on private property providing that there is sufficient parking for the primary use.

#### Requirement for Self-Containment

There has been some question as to whether the regulations require that the food vending vehicles be fully self-contained, with no water, sewer or electrical connection. Pertaining to this issue, the regulations state as follows:

"Any motorized food wagon or conveyance used in the course of vending shall be entirely self-sufficient in regards to gas, water, and telecommunications. Should any utility hook-ups or connections to on-site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations."

Again, the concept of the food court or plaza where several trucks could operate with all the appropriate amenities, including electrical, water and drainage connections was what we have had in mind. Therefore, in the review of Vendor Permit to Operate applications, we have been allowing the connections as long as they are to properly installed and maintained facilities; however, it is acknowledged that no food court currently exists. In no case would we allow extension cords to be placed in or across drive lanes where vehicle traffic could damage them. We have also been careful to verify that any electrical cord installation does not pose a trip hazard or an impediment to pedestrian travel.

Staff recommends that Council review and concur with current interpretation and practice that allows vendors to have connection to approved electricity, water and/or sewer facilities.

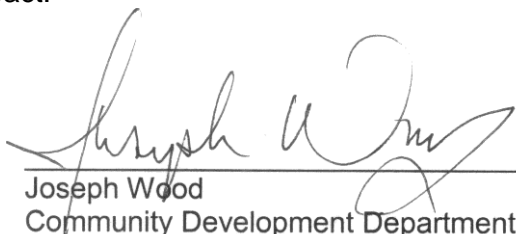
#### Proximity to Parks

Vendors operating from the street or sidewalk are faced with a restriction from operating "within three hundred feet of any school grounds, park, playground, or city operated recreation center". This language was taken from the regulations of another jurisdiction and it applies mainly to ice cream trucks and push cart vendors. After further review there is some question as to whether we should allow vendors to operate in and around parks. The regulations pertaining to proximity to other vendors and the requirement to move every ten minutes still provides adequate protection from over-concentration of vendors in one park and prevents them from lingering too long in one location, thereby maintaining a decent park atmosphere for families.

Staff would recommend that the Council consider a revision to this specific regulation in order to allow vendors in and around City parks, providing that they comply with all other applicable regulations.

**FISCAL IMPACT:** No fiscal impact.

**FUNDING AVAILABLE:** N/A



Joseph Wood  
Community Development Department

# Review of the Vendor Ordinance

---

Community Development Department

July 16, 2008

---

# Review of the Vendor Ordinance

## ■ July 2007

- Comprehensive regulations covering all vending activities.
    - Lunch Wagons
    - Push Cart Vendors
    - Ice Cream Trucks
    - Itinerant Merchants
  - Purpose and intent to provide clear and concise regulations to prevent safety, traffic or health hazards.
-

# Ordinance Implementation

## ■ Phased Implementation

- Lunch Wagons
- Itinerant Merchants
- Push Carts
- Ice Cream trucks

## ■ Application Process

- 18 applications total
  - 17 lunch wagons
  - 1 coffee service vendor

# Application Review

- All required licensing/permits.
- Site inspection/review.
  - Operations within 200' of residential required Notice to surrounding properties.
    - Conditional Permit to Operate
  - Review of Parking
    - Cannot encroach into required spaces for Primary Use.
  - Review of Site Conditions
    - Electrical connections, location on site, pedestrian safety.
  - Sanitation Requirements
    - Restroom facilities.

# Approval/Denial of Permit to Operate

- **Of the 18 applications received**
  - **11 - Required Conditional Permit to Operate**
  - **9 – Approved after initial review.**
  - **7 – Denied**
  - **2 – Currently under review**
  
- **Of the 7 applications denied**
  - **3 – Denied due to conditions on property that could not be corrected.**
    - **Insufficient parking.**
  
  - **1 – Denied due to outstanding code enforcement issues for the Primary Use.**
  
  - **3 – Noted conditions causing denial were addressed.**
    - **Restroom Facilities**
    - **Adjust Hours of Operation**
    - **Relocate upon property to lessen impact on parking.**

---

# Issues Related to Interpretation of the Code

- Multiple Vendors at One Property.
  - Self-Contained Operations.
  - Proximity to Parks.
-



---

# Multiple Vendors at One Property

- Proximity restriction apply to vendors operating from the street or sidewalk.
    - 400' separation between vendors.
  - No such restriction for private property.
    - Specific intent to allow more than one vendor on site.
      - Food Court or Plaza concept.
      - Modeled after what is allowed in Modesto.
-

# Self-Contained Operations

- Current regulations state that vendors...
    - “shall be entirely self-sufficient in regards to gas, water and telecommunications.”
  - Current regulations state further that...
    - “Should any utility hook-ups or connections to on-site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety.”
  - Specific intent to allow connections to approved facilities.
    - Food Court/Plaza concept.
  - No specific nuisance or blight conditions noted while reviewing these issues.
-

---

# Proximity to Parks

- Vendors operating from streets or sidewalks are restricted from operating...
    - “within 300’ of any school grounds, park playground or city-operated recreation center.”
  
  - Primarily affects ice cream trucks and push cart vendors.
    - Could it be considered reasonable to allow them within close proximity to parks?
      - Providing that proximity to other vendors (400’) and time limitations (10 minutes) still apply.
-

---

# Staff Recommendations

- Multiple Vendors at One Property
  - Self-Contained Operations
    - Concur with current interpretations and practices that allow these conditions, providing that the vendors comply with all other applicable regulations.
  - Proximity to Parks
    - Direct staff to revise this specific regulation in order to allow vendors in and around parks, providing that they comply with all other applicable regulations.
-